

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

NEW ENGLAND ANIME SOCIETY, INC.

vs.

FANTASTIC GATHERINGS, INC. &
INTERACTIVE MEET AND GREET
ENTERTAINMENT, LLC

CIVIL ACTION NO. 1:17-cv-12339

**PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER,
PRELIMINARY INJUNCTION AND REQUEST FOR EMERGENCY HEARING**

Plaintiff New England Anime Society, Inc. (“NEAS”) seeks a temporary restraining order, preliminary injunction and an emergency hearing to prevent Defendants Fantastic Gatherings, Inc. (“Fantastic Gatherings”) and Interactive Meet and Greet Entertainment, LLC (“IMAGE”) from further unfair competition and infringement of NEAS’s “Anime Boston” service mark. Defendants have developed and marketed an event using a confusingly similar trademark, which is scheduled to occur on **December 9, 2017** and that competes directly with NEAS’s events and services. Defendants have adopted service marks for their event and services that consist of NEAS’s mark, despite knowing of NEAS and its highly successful events marketed under the Anime Boston® mark (the “Mark”). Defendants’ use of “Boston AnimeFest” and “Boston Anime Fest” marks in connection with marketing the same or similar services to an identical consumer base through the same channels of trade is highly likely to lead to consumer confusion. In fact, it appears Defendants have intentionally and willfully fostered such confusion by linking NEAS’s social media pages to Defendants’ social media pages for its event. NEAS has suffered, and will continue to suffer, irreparable harm from Defendants’ infringement and unfair competition unless this Court issues a temporary restraining order and

preliminary injunction against Defendants' continued use of the "Boston AnimeFest" and "Boston Anime Fest" marks for the services Defendants offer to anime industry participants and consumers.

NEAS requests that the Court schedule a hearing on the forgoing temporary restraining order and preliminary injunction request on an emergency basis. The event Defendants are promoting with confusingly similar marks is scheduled to take place on **December 9, 2017**. Each day that passes makes redress for NEAS's injuries and harm less effective and perhaps impossible.

WHEREFORE, Plaintiff New England Anime Society, Inc. respectfully requests that this Court schedule an emergency hearing concerning the above matter and, after hearing, allow Plaintiff's motion and enter a temporary restraining order and preliminary requiring Defendants and their respective officers, directors, shareholders, managers, members, agents, servants, employees and representatives to refrain from:

- (a) using, authorizing or employing the Anime Boston service mark, or any confusingly similar variation, to operate events or provide services related to or including the anime industry, its participants, fans or customers;
- (b) using the "Anime Boston" service mark or any confusingly similar variation in any domain name;
- (c) directly or indirectly, explicitly or implicitly, representing or suggesting a relationship, endorsement, sponsorship, and/or support of NEAS for Defendants' events, marks or businesses, including, without limitation, by linking Defendants' websites and/or social media pages to NEAS's websites and/or social media pages; and
- (d) otherwise infringing on NEAS's trademarks, service marks and valuable goodwill.

EMERGENCY HEARING REQUESTED

Plaintiff New England Anime Society, Inc. respectfully requests an emergency hearing on the above motion.

PLAINTIFF

NEW ENGLAND ANIME SOCIETY, INC.

By its attorneys,

/s/ Michael J. Duffy

Michael J. Duffy, BBO# 652621
RUBERTO ISRAEL & WEINER PC
255 State Street, 7th Floor
Boston, MA 02109
(617) 742-4200
mjd@riw.com

Dated: November 28, 2017

CERTIFICATE PURSUANT TO LOCAL RULE 5.2

The undersigned counsel certifies that a true copy of the above document, the Motion for Temporary Restraining Order, Preliminary Injunction and Request for Emergency Hearing, and the Memorandum of Law in Support, submitted herewith, are being sent for service in conjunction with the summons and Complaint in the above-captioned action in accordance with the laws and procedures of the Federal Rules of Civil Procedure.

/s/Michael J. Duffy, Esq.